

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

ANA S. ABREU CLASS

Debtor(s)

CASE NO. 11-07844 ESL

CHAPTER 13

**MOTION TO DISMISS FOR BAD FAITH FILING AND OPOSITION TO “MOTION
FOR EXTENSION OF AUTOMATIC STAY IN CASE FILED WITHIN PRECEDING
YEAR AFTER DISMISSAL OF PRIOR CASE PURSUANT TO §362(c)3(b)”**

TO THE HONORABLE COURT:

COMES NOW, Creditor Cooperativa de Ahorro y Credito de Camuy, through the undersigned attorney and very respectfully states and prays:

1. The instant case was filed on September 15, 2011.
2. This is debtor forth Bankruptcy Petition. (98-16259, 07-01937 and 10-06849 previous Bankruptcy Cases).
3. Debtor keep's accumulating more arrears and expenses, in every Bankruptcy filed.
4. Every time creditor moves for a Public Auction of the Real Property, debtor files again for Bankruptcy.
5. Debtor has accumulated 30 months in arrears in her Mortgage payments plus over \$6,000.00 in costs and attorney's fees.
6. In all Bankruptcy petition debtor has informed of family help for payments of the mortgage Loan and the Chapter 13 Plan.
7. Debtor has not complied with the payments in any of the previous Bankruptcy Petitions.
8. The arrears on debtor Mortgage loan has increase since her first Bankruptcy filed, 3 months in arrears in the First Bankruptcy filed 98-16259 for the amount of \$1,624.011, 24 months in arrears in case #07-01937 for the amount of \$9,678.96, 28 months in arrears in case 10-06849 in the amount of \$16,441.31 and 30 months in arrears in the present case for the amount of \$18,040.53.
9. Debtor has abuse the Bankruptcy proceedings process in order to continue living

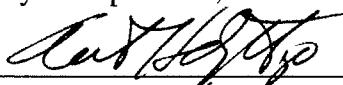
her house without payments to the Mortgage Loan.

10. Debtor attorney informs that debtor income is \$713.00 from Social Security in which \$384.53 is the monthly payment of the Mortgage Loan and a proposed payment plan of \$ 335.00 a month for the Chapter 13 Trustee.
11. Debtor's plan is insufficiently funded if the arrears with Cooperativa de ahorro y credito de Camuy is in the amount of \$18,040.53 plus attorney's fees, and a liquidation value of \$19,273.17 as per the chapter 13 Trustee plan filed on September 15, 2011.
12. Debtors income is not sufficient to cover the necessary Post Petition payment to Cooperativa of the Mortgage Loan, the payment of the Chapter 13 Trustee, on the Chapter 13 Plan, which has to be amended to increase the base because is insufficiently funded, and also cover all her expenses even with the family help she is informing (that also was in the previous Bankruptcy filed).
13. Cooperativa objects the extension of the Automatic Stay and requests the Dismissal of the Instant case for failure to prove any change in circumstances, and abuse of the Bankruptcy proceedings which creates more arrears in the Mortgage Loan and are in Bad faith.

WHEREFORE, it is respectfully requested from this Honorable Court to deny the request for Extension of the Automatic Stay and Dismiss the instant petition for abuse of process of the Bankruptcy Proceedings for all the above mentioned reasons.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 30th day of September, 2011.



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CERTIFICATE OF SERVICE

I DO HERBY CERTIFY that on this date I electronically filed a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

JUAN O CALDERON LITHGOW caldlithlaw@gmail.com, juan004@prtc.net

JOSE RAMON CARRION MORALES newecfmail@ch13-pr.com

MONSITA LECAROZ ARRIBAS ustpregion21.hr.ecf@usdoj.gov

I DO HERBY FURTHER CERTIFY that on the same date a true and exact copy of the foregoing has been sent by regular United States mail to Debtors, Ana S. Abreu Class, P.O. Box 345, Camuy, PR 00627 and to the following:

CAMUYCOOP

PO BOX 540

CAMUY, PR 00627

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500 Summit Lake Drive Suite 400

Valhalla, NY 10595-1340

CLARO

PO BOX 70367

SAN JUAN, PR 00936-8366

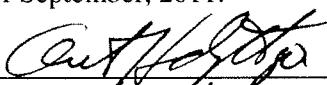
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In San Juan, Puerto Rico, this 30th day of September, 2011.


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